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UNDERHILL MOORE

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UNDERHILL MOORE led a dual life in the law. He was master of conventional legal analysis. He was also the creator of one of the most speculative of all research projects—the relation between law and community behavior.

I knew him best in the former role. I was in his classes of Partnership and Sales at Columbia. When I was a second year student, he picked me as his assistant. For two years I worked with him in several fields. I helped him prepare materials for a course in Corporations; and I did much research for his writings during this period.

He was an exacting boss. His demands on an assistant were incessant. There were no regular hours. He frequently routed me out early in the morning for a walk so that I could serve as a sounding board for some new idea which had come to him during the night. I often found myself on a Sunday afternoon serving in the same role, while he worked in his garden at Englewood. And his appetite for a critic brought me many invitations to his home of an evening.

During those hours we explored together many legal concepts. And I came to respect his hard-edged mind more than any I had ever known. He was the master analyst in the law. He despised those of the facile school who manipulate legal concepts to serve their own purposes. His discipline was severe. He knew the ends served by the law. But in the role of which I now speak, he cared less for that than for orderly analysis and illuminating ratiocination. It was the synthesis that counted.

He was as impatient with a disorderly mind as he was with a superficial one. And he was often explosive in his reaction. In those days I often heard him say in reference to some lawyer's brief or some professor's article, "That man's mind is as incisive as cotton." And he would bang the desk to drive home his point.

I suppose it is this emphasis on mental discipline which Moore's students best remember. It was common for the top students to say of him, "The best teacher I ever had." It was a matter of wonderment for the others that anyone could find so much wrong as Moore did with seemingly innocuous-looking principles. It is fair to say that his

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thinking better reflected the hard discipline of the law than that of most of his contemporaries.

But these achievements as a teacher did not satisfy Moore. He had a restless, inquisitive mind that was always exploring beyond the edges of his own discipline. Behaviorism and its school intrigued him. I had no part in the formulation of his research project nor did I participate in it. Nor did I ever take the time to master it. But I heard Moore talk of it many times and because of my respect for his intellectual prowess, I was not one to ridicule it.

There were many who did. The legal mind is commonly orthodox and conventional. Therefore, Moore's attempt to apply a scientific method to a branch of the social sciences produced much scoffing. Moore knew this but was unperturbed. He was not attempting to solve a social problem. He had no political end in view. He was interested only in exploring the use of a scientific method in an alien field.

One day he said to me, "The so-called legal lights ridicule my project. They do not understand it and it would be futile to try to make them understand. I am not writing for them. I am writing for the small select group who are groping for ways of applying the scientific method to the social sciences. Perhaps the present effort will fail. But some day it may succeed. A hundred or five hundred years from now a kindred soul may find in my crude researches some clue to the solution. He is the audience for whom I write."

It takes a high degree of fortitude and intellectual discipline to run that course. But Underhill Moore ran it to the day of his death. And he found adventure in it.

Only those who have known the solitude that comes when one wrestles alone with a problem the whole night through have shared the experience.